REMARKS

Claims 1-4, 6-15, 17 and 19-22 are pending in the application. Claims 1, 9 and 13 are independent. Applicants respectfully request reconsideration of the present application.

Rejection of Claims 1-20

Independent claims 1, 9 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Pavley (US 6,445,460). Applicant respectfully disagrees.

With respect to claim 1, Applicant respectfully submits that Pavley does not anticipate because Pavley does not disclose all of the features of claim 1. For example, at the least, Pavley does not disclose, "a processor ... configured to disable image capture if said memory is full and said memory does not contain any archived images."

The Office asserts that Pavley discloses this feature of claim 1. This assertion lacks merit. In support of its assertion that Pavley discloses an image capture device that "disables image capture if the memory is full ...", the Office argues, "[f]urthermore, Pavley specifically indicated that images are only taken when there is enough storage space to store a newly captured image." *Office Action, at page 4.*

First, the Office does not cite to <u>any</u> portion of Pavley to support its argument that Pavley "indicated that images are only taken when there is enough storage space to store a newly captured image." At a minimum, the Office should provide a Column and Line number of Pavley, but that was not done in this case. Rather, the Office merely asserts without any supporting evidence that Pavley "indicated that images are only taken when there is enough storage space to store a newly captured image."

Second, Applicant's representative has read the entire disclose of Pavley and Applicant's representative <u>did not find any statement</u> in Pavley that could be used to support the Office's argument that Pavley "indicated that images are only taken when there is enough storage space to store a newly captured image." Rather, Applicant's representative found statements in Pavley that <u>contradict</u> the Office's argument.

For example, Pavley states, "when an attempt to take an image results in an indication that more storage space is needed, a storage rule set may be initiated to reclaim

enough storage space to take an image." *Col. 5, line 67 to col. 6, line 3.* Pavley then goes on to give <u>one example</u> of such a storage rule. Specifically, Pavley states, "[t]he storage rule <u>may be based on</u> deleting images files from memory that have an archive file attribute ..." *Col. 6, lines 3-5* (emphasis added).

There is nothing in these statements to indicate that Pavley ever contemplated disabling image capture when memory is full. Rather, the opposite is true. These statements indicate that Pavley contemplated only deleting images from memory if the memory is full. In contrast, claim 1 requires "disabling image capture if said memory is full and said memory does not contain any archived images." As stated, above, nowhere does Pavely disclose disabling image capture.

Accordingly, Applicant respectfully submits that Pavley does not disclose all of the features of claim 1. Therefore, the rejection of claim 1, and the rejection of those claims that depend from claim 1, should be withdrawn.

With respect to independent claim 9 and dependent claims 10-12, which depend from claim 9, the above remarks apply because, similar to claim claim 1, claim 9 requires "disabling image capture if said memory is full and said memory does not contain any archived images."

With respect to independent claim 13 and dependent claims 14-20, which depend from claim 13, the above remarks apply because, similar to claim 1, claim 13 requires "wherein an image capture is disabled if said memory is full and if said memory does not contain at least one archived image."

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
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